

# EXHIBIT A

CAUSE NO. 2022-DCL-00601**SANTIAGO BLACKMORE**  
*Plaintiff*

v.

**TOTAL EXPRESS SERVICES, LTD. and**  
**HUMBERTO BARTOLO SANCHEZ**  
*Defendants*§ **IN THE DISTRICT COURT**  
§ **Cameron County - 107th District Court**  
§  
§ **JUDICIAL**  
§ **COURT**  
§  
§  
§ **CAMERON COUNTY,**  
**TEXAS**

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**PLAINTIFF'S ORIGINAL PETITION**

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**TO THE HONORABLE JUDGE OF SAID COURT:**

**NOW COMES, SANTIAGO BLACKMORE**, hereinafter referred to by name or as Plaintiff, and complains of **TOTAL EXPRESS SERVICES, LTD. & HUMBERTO BARTOLO SANCHEZ** hereinafter referred to by name or as Defendant(s), and for cause of action would respectfully show unto the Court as follows:

**I.****DISCOVERY CONTROL PLAN**

1. Plaintiff intends that discovery be conducted under LEVEL 3 of RULE 190 of the TEXAS RULES OF CIVIL PROCEDURE.

**II.****PARTIES**

2. Plaintiff **SANTIAGO BLACKMORE** is an individual residing in Cameron County, Texas.

3. Defendant **TOTAL EXPRESS SERVICES, LTD.** is a business organized under the laws of Illinois. They may be served with process by and through their agent and president DEIVIDAS SNIOKAITIS, 8 WOODLAND DR., LEMONT , IL 60439. They may also be

served by and through the Texas Secretary of State pursuant to Tex. R. Civ. Proc. Rule 106; Tex. Civ. Prac. & Rem. Code § 17.026, by mailing the citations to Service of Process, Secretary of State, P.O. Box 12079, Austin, Texas 78711-2079, for service of process on the defendant's agent at their principle place of business DEIVIDAS SNIOKAITIS, 8 WOODLAND DR., LEMONT, IL 60439.

4. Defendant **HUMBERTO BARTOLO SANCHEZ** is an individual residing in Johnston County North Carolina and may be served with process at his residence, located at 1124 Grovewood Dr., Clayton, North Carolina 27520. They may also be served by and through the Texas Secretary of State pursuant to Tex. R. Civ. Proc. Rule 106; Tex. Civ. Prac. & Rem. Code § 17.026, by mailing the citations to Service of Process, Secretary of State, P.O. Box 12079, Austin, Texas 78711-2079, for service of process at this defendants residence 1124 Grovewood Dr., Clayton, North Carolina 27520.

### **III.**

### **JURISDICTION & VENUE**

5. Subject matter jurisdiction is proper in this court because the amount in controversy is within the jurisdictional limits of the court in which Plaintiff now sues. Additionally, this court has jurisdiction over the parties because Defendant is a Texas resident and/or does business in the State of Texas.

6. Venue is proper in Cameron County in this cause under § 15.002(4) of the CIVIL PRACTICE & REMEDIES CODE because this the county that the Plaintiff resided in when the cause of action accrued.

### **IV.**

### **FACTS**

7. On or about July 31, 2020, Plaintiff **SANTIAGO BLACKMORE**, was resting in his vehicle in a lawful manner at or near the Rest Area # 10 in Juneau County, Wisconsin, when he was suddenly, violently, and without warning struck by Defendant **HUMBERTO BARTOLO SANCHEZ** who was in the course and scope of his employment with Defendant **TOTAL EXPRESS SERVICES, LTD.** Plaintiff **SANTIAGO BLACKMORE'S** vehicle was at a complete stop in the parking lot. Defendant **HUMBERTO BARTOLO SANCHEZ** carelessly backed his vehicle into Plaintiff's and caused the wreck. As a result of the collision, **SANTIAGO BLACKMORE** sustained severe injuries to his body, as more fully set forth below. **TOTAL EXPRESS SERVICES, LTD.** was negligent both through the doctrine of respondeat superior as well as directly negligent in their hiring, training, supervision, and retention of defendant **HUMBERTO BARTOLO SANCHEZ**. **HUMBERTO BARTOLO SANCHEZ** and **TOTAL EXPRESS SERVICES, LTD.** were also grossly negligent as that term is defined under Texas law.

**V.**

**CAUSE OF ACTION – MARIO ARTURO ROJAS SILVA**

**A. NEGLIGENCE**

8. The occurrence made the basis of this suit, reflected in the above paragraph, and the resulting injuries and damages of Plaintiff were proximately caused by the negligent conduct of the Defendant **HUMBERTO BARTOLO SANCHEZ**, who operated the vehicle he was driving in a negligent manner by violating the duty which he owed the Plaintiff to exercise ordinary care in the operation of his motor vehicle in one or more of the following respects:

- a. in failing to keep a proper lookout or such lookout, which a person of ordinary prudence would have maintained under same or similar circumstances;
- b. in failing to control the speed of his vehicle;

- c. in failing to turn the vehicle in an effort to avoid the collision in question;
- d. in failing to blow his horn warning of imminent danger;
- e. in failing to maintain a proper distance between vehicles; and
- f. such other and further acts of negligence and gross negligence as may be established during the discovery phase of this lawsuit.

9. Each of these acts and/or omissions, whether taken singularly or in any combination constitutes negligence and negligence per se and gross negligence which proximately caused the collision and injuries and other losses as specifically set forth herein.

## VI.

### **CAUSE OF ACTION – TOTAL EXPRESS SERVICES, LTD.**

#### **A. RESPONDEAT SUPERIOR**

10. At the time of the occurrence of the act in question and immediately prior thereto, Defendant **HUMBERTO BARTOLO SANCHEZ** was within the course and scope of his employment with Defendant **TOTAL EXPRESS SERVICES, LTD.**

11. At the time of the occurrence of the act in question and immediately prior thereto, Defendant **HUMBERTO BARTOLO SANCHEZ** was engaged in the furtherance of Defendant **TOTAL EXPRESS SERVICES, LTD.** 's business.

12. At the time of the occurrence of the act in question and immediately prior thereto, Defendant **HUMBERTO BARTOLO SANCHEZ** was engaged in accomplishing a task for which Defendant **HUMBERTO BARTOLO SANCHEZ** was employed.

13. Plaintiff invokes the doctrine of *Respondeat Superior* against Defendant **TOTAL EXPRESS SERVICES, LTD.**. Defendant **TOTAL EXPRESS SERVICES, LTD.** is liable under the doctrine of *Respondeat Superior* in that Defendant **HUMBERTO BARTOLO**

**SANCHEZ** was operating the vehicle in the course and scope of his employment with Defendant **TOTAL EXPRESS SERVICES, LTD.**. Further, defendant **TOTAL EXPRESS SERVICES, LTD.** was independently negligent and grossly negligent because of their hiring, supervision, retention, and training of defendant **MARIO ARTURO ROJAS SILVA**.

**VII.**  
**CAUSE OF ACTION - TOTAL EXPRESS SERVICES, LTD.**  
**AND MARIO ARTURO ROJAS SILVA**

**A. GROSS NEGLIGENCE**

14. Defendants' negligent conduct was more than momentary thoughtlessness or inadvertence. Rather, Defendants' conduct involved an extreme degree of risk, considering the probability and magnitude of the potential harm to Plaintiff. Defendant had actual, subjective awareness of the risk involved but, nevertheless, proceeded in conscious indifference to the rights, safety, or welfare of Plaintiff or others similarly situated.

15. The acts and/or omissions by Defendants outlined in this Petition constitute gross negligence as that term is defined under Federal and Texas State law. Defendants' acts and/or omissions which when viewed objectively from the standpoint of the actor at the time of its occurrence involves an extreme degree of risk, considering the probability and magnitude of the potential harm to others, and Defendant had actual, subjective awareness of the risk involved, but nevertheless proceeded with conscious indifference to the rights, safety, and welfare of others, including the Plaintiff.

16. Each of these acts and/or omissions, whether taken singularly or in any combination, constitute negligence, negligence per se and gross negligence which proximately caused the collision, injuries and other losses as specifically set forth herein, all of which Plaintiff suffered

and which Plaintiff will continue to suffer in the future, if not for the remainder of his natural life.

### VIII.

#### **DAMAGES – SANTIAGO BLACKMORE**

17. As a direct and proximate result of the collision and the negligent conduct of Defendants, Plaintiff **SANTIAGO BLACKMORE** suffered severe bodily injuries as reflected in the medical records from the health care providers that have treated those injuries since the collision. The injuries may be permanent in nature. The injuries have had a serious effect on the Plaintiff's health and well-being. As a further result of the nature and consequences of his injuries, the Plaintiff has suffered and may continue to suffer into the future, physical pain and mental anguish.

18. As a further result of all of the above, Plaintiff has incurred expenses for his medical care and attention in the past and may incur medical expenses in the future to treat his injuries.

19. By reason of all of the above, Plaintiff **SANTIAGO BLACKMORE** has suffered losses and damages in a sum within the jurisdictional limits of this Court for which he now sues.

20. Plaintiff asserts that the amount of any monetary damages awarded to Plaintiff should be decided by a jury of Plaintiff's peers. However, RULE 47 of the TEXAS RULES OF CIVIL PROCEDURE requires Plaintiff to affirmatively plead the amount of damages sought. Pursuant to RULE 47, Plaintiff seeks monetary relief **OVER ONE MILLION AND 00/100 DOLLARS (\$1,000,000.00)** and a demand for judgement for all the other relief to which Plaintiff **SANTIAGO BLACKMORE** is justly entitled to at the time of filing this suit, which, with the passage of time, may change.

**IX.**  
**INTEREST**

21. Plaintiff further requests both pre-judgment and post-judgment interest on all his damages as allowed by law.

**X.**  
**DEMAND FOR JURY TRIAL**

22. Plaintiff **SANTIAGO BLACKMORE** demands a trial by jury. Plaintiff acknowledges payment this date of the required jury fee.

**XI.**  
**NOTICE OF SELF-AUTHENTICATION**

23. Pursuant to RULE 193.7 of the TEXAS RULES OF CIVIL PROCEDURE, Defendants are hereby noticed that the production of any document in response to written discovery authenticates the document for use against that part in any pretrial proceeding or at trial.

**PRAYER**

**WHEREFORE, PREMISES CONSIDERED**, Plaintiff request that the Defendants be cited to appear and answer, and on final trial hereafter, the Plaintiff have judgment against Defendants in an amount within the jurisdictional limits of this Court, together with all pre-judgment and post-judgment interest as allowed by law, costs of Court, and for such other and further relief to which Plaintiff may be justly entitled by law and equity, including, but not limited to:

1. Pain and suffering in the past;
2. Pain and suffering in the future;
3. Mental anguish in the past;
4. Mental anguish in the future;
5. Past medical expenses;
6. Future medical expenses;
7. Physical impairment in the past;
8. Physical impairment in the future;
9. Physical disfigurement in the past;



10. Physical disfigurement in the future;
11. Lost wages in the past;
12. Loss of future wage-earning capacity;
13. Pre-judgment interest;
14. Post-judgment interest; and
15. Exemplary damages.

**LAW OFFICES OF JAVIER VILLARREAL, PLLC**

2401 WILD FLOWER DRIVE, SUITE A.  
BROWNSVILLE, TEXAS 78526  
PHONE: (956)544-4444  
FACSIMILE: (956) 550-0877

BY: /s/ Reggie Blakeley  
JAVIER VILLARREAL  
STATE BAR NO. 24028097  
REGGIE BLAKELEY  
STATE BAR NO. 24077845  
\*Service email: [reggie@jvlawfirm.com](mailto:reggie@jvlawfirm.com)  
ATTORNEYS FOR PLAINTIFF

## CITATION – PERSONAL SERVICE – TRCP 99

## THE STATE OF TEXAS

2022-DCL-00601-A

Santiago Blackmore § IN THE 107TH DISTRICT COURT  
 VS § OF  
 Total Express Services, LTD. § CAMERON COUNTY, TEXAS

TO Total Express Services, LTD.  
 Served with Process by and through  
 Deividas Sniokaitis  
 8 Woodland Dr  
 Lemont IL 60439, GREETING:  
 by serving in duplicate copies to the  
 Secretary of State (Statutory Documents)  
 P O Box 12079, Austin TX 78711-2079

**NOTICE TO DEFENDANT:** "You have been sued. You may employ an attorney. If you or your attorney do not file a written answer with the clerk who issued this citation by 10:00 a.m. on the Monday next following the expiration of twenty days after you were served this citation and petition, a default judgment may be taken against you. In addition to filing a written answer with the clerk, you may be required to make initial disclosures to the other parties of this suit. These disclosures generally must be made no later than 30 days after you file your answer with the clerk. Find out more at TexasLawHelp.org." TRCP. 99

You are hereby commanded to appear by filing a written answer to **Plaintiff's Original Petition** at or before 10:00 o'clock A.M. on the Monday next after the expiration of 20 days after the date of service of this citation before the Honorable 107th District Court of Cameron County, at the Courthouse in said County in Brownsville, Texas. Said **Plaintiff's Original Petition** was filed in said court on **January 31, 2022**, in the above entitled cause.

2022-DCL-00601-A

Santiago Blackmore

vs.

Total Express Services, LTD. ,Humberto Sanchez

The nature of Petitioner's demand is fully shown by a true and correct copy of **Plaintiff's Original Petition** accompanying this citation and made a part hereof.

The officer executing this writ shall promptly serve the same according to requirements of law, and the mandates thereof, and make due return as the law directs.

Issued and given under my hand and seal of said Court at Brownsville, Texas, on this the 2nd day of February, 2022.

ATTORNEY:

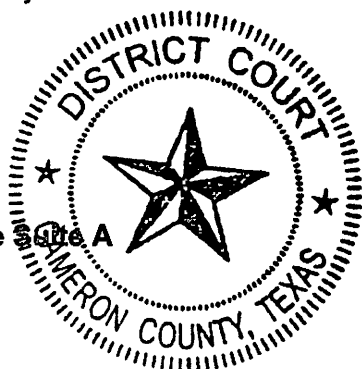
Reggie Blakeley

24077845

956-544-4444

2401 Wild Flower Drive Suite A

Brownsville TX 78526



Laura Perez-Reyes

District Clerk of Cameron County

974 E Harrison Street

Brownsville, Texas 78520

Signed: 2/2/2022 10:58:48 AM

By: Monica Hernandez  
 Monica Hernandez, Deputy Clerk

<b>2022-DCL-00601-A</b> <b>107th District Court</b>	<b>Santiago Blackmore</b> <b>vs.</b> <b>Total Express Services, LTD. ,Humberto Sanchez</b>
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## RETURN OF SERVICE

**Executed when copy is delivered:**

This is a true copy of the original citation, was delivered to defendant \_\_\_\_\_, on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

NAME/ADDRESS FOR SERVICE

\_\_\_\_\_  
County, TX

By: \_\_\_\_\_ Deputy

## OFFICERS RETURN

Came to hand on the \_\_\_\_\_ day of \_\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_ m and \_\_\_\_\_ County, Texas, by delivering to each of the within named defendants in person, a true copy of this \_\_\_\_\_ with the date of delivery endorsed thereon, together with the accompanying copy of the \_\_\_\_\_ at the following times and places, to wit:

NAME	DATE/TIME	PLACE/COURSE/DISTANCE FROM COURTHOUSE

And not executed as to the defendant(s),  
The diligence used in finding said defendant(s) being:

and the cause or failure to execute this process is:

and the information received as to the whereabouts of said defendant(s) being:

**FEEES:**

SERVING PETITION/COPY \$

**TOTAL:** \$ \_\_\_\_\_

\_\_\_\_\_  
County, TX

By: \_\_\_\_\_ Deputy \_\_\_\_\_

**AFFIANT**

**COMPLETE IF YOU ARE A PERSON OTHER THAN A SHERIFF, CONSTABLE, OR CLERK OF THE COURT.**

In accordance with Rule 107: The officer or authorized person who serves, or attempts to serve, a citation shall sign the return. The signature is not required to be verified. If the return is signed by a person other than a sheriff, constable or the clerk of the court, the return shall be signed under penalty or perjury and contain the following statement:

**"My name is \_\_\_\_\_, my date of birth is \_\_\_\_\_, my address is \_\_\_\_\_"**

I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT.

EXECUTED in \_\_\_\_\_ County, State of \_\_\_\_\_, on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

ID Number/Expiration of Certification

Declarant/Authorized Process Server

CITATION – PERSONAL SERVICE – TRCP 99

THE STATE OF TEXAS

**2022-DCL-00601-A**

Santiago Blackmore § IN THE 107TH DISTRICT COURT  
VS § OF  
Total Express Services, LTD. § CAMERON COUNTY, TEXAS

TO **Total Express Services, LTD.**  
**Served with Process by and through**  
**Deividas Sniokaitis**  
**8 Woodland Dr.,**  
**Lemont, IL 60439**

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Santiago Blackmore  
vs.  
Total Express Services, LTD. ,Humberto Sanchez

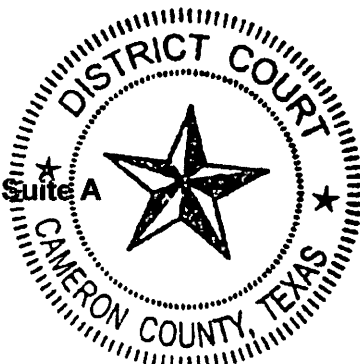
The nature of Petitioner's demand is fully shown by a true and correct copy of **Plaintiff's Original Petition** accompanying this citation and made a part hereof.

The officer executing this writ shall promptly serve the same according to requirements of law, and the mandates thereof, and make due return as the law directs.

Issued and given under my hand and seal of said Court at Brownsville, Texas, on this the 1st day of February, 2022.

ATTORNEY:

**Reggie Blakeley**  
**24077845**  
**956-544-4444**  
**2401 Wild Flower Drive Suite A**  
**Brownsville TX 78526**



**Laura Perez-Reyes**  
District Clerk of Cameron County  
974 E Harrison St.  
Brownsville, Texas 78520  
Signed: 2/1/2022 3:44:41 PM

By: *Monica Hernandez*  
**Monica Hernandez, Deputy Clerk**

<b>2022-DCL-00601-A</b> <b>107th District Court</b>	<b>Santiago Blackmore</b> <b>vs.</b> <b>Total Express Services, LTD. ,Humberto Sanchez</b>
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NAME/ADDRESS FOR SERVICE

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\_\_\_\_\_  
Officer  
County, TX

By: \_\_\_\_\_ Deputy

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**FEEES:**

SERVING PETITION/COPY \$ \_\_\_\_\_  
TOTAL: \$ \_\_\_\_\_

\_\_\_\_\_  
Officer  
County, TX

By: \_\_\_\_\_ Deputy

**AFFIANT**

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EXECUTED in \_\_\_\_\_ County, State of \_\_\_\_\_, on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

ID Number/Expiration of Certification

Declarant/Authorized Process Server